

Judge Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA
Plaintiff,

v.

CHRISTOPHER LEWIS,
Defendant.

NO. 10-5435 RJB

Protective Order Between Mr. Lewis
and Government Regarding Certain
Discovery

This matter, having come to the Court's attention on the Motion by Mr. Lewis and the Government for Protective Order, and the Court, having considered any responses filed by the defendants and overruling any objections, and having considered the entirety of the record and being fully advised in this matter, the Court hereby enters the following PROTECTIVE ORDER:

1. Discovery Provided to Date

The Government has provided several batches of discovery to Defense Counsel. One such batch was provided on 9/24/10 in CD/DVD format and contains material that the Government deems sensitive. It is Bates-Stamped as follows: AHF 23-42; AL 1; CL 184-299; DM 74-77; GJ 32-117; HK 68-72. This material also

1 includes a separate CD containing an interview of HK by the Lakewood Police
2 Department on 8/24/10. This material was provided to defense counsel on the
3 condition that copies not be given to the Defendants (they could review the same, but
4 not retain copies). Mr. Lewis, however, would like to have copies of this material,
5 which has prompted him and the Government to enter into this Protective Order.

6 **2. Permissible Disclosure of Protected Material.**

7
8 The above referenced discovery provided by the Government on 9/24/10 is
9 deemed "Protected Material." Possession of copies of the Protected Material is
10 limited to the defense attorney(s) record, but he/they may share it with the defendant
11 (subject to the limitation below), investigators, paralegals, assistants, law clerks,
12 experts and assistants for the attorneys of record (hereinafter collectively referred to
13 as "members of the defense team"). With regard to Mr. Lewis, his attorney is
14 authorized to make arrangements with the Federal Detention Facility at SeaTac for
15 Mr. Lewis to view this material in a secured area but the Defendant is not to retain
16 possession of this material after viewing it in this secured environment.

17 Mr. Lewis and his attorney of record, and members of the defense team
18 acknowledge that providing copies of the Protected Material to persons other than
19 those listed above is prohibited, and agree not to duplicate or provide copies of the
20 Protected Material to any other person. Mr. Lewis agrees not to share this protected
21 material with other inmates at the FDC or anyone else. Further, the attorney of
22 record is required, prior to disseminating any copies of the Protected Material to

1 members of the defense team, to provide a copy of this Protective Order to members
2 of the defense team, and obtain written consent by members of the defense team of
3 their acknowledgment to be bound by the terms and conditions of this Protective
4 Order. The written consent need not be disclosed or produced to the United States
5 unless requested by the Assistant United States Attorney and ordered by the Court.

6 This order does not limit employees of the United States Attorney's Office
7 for the Western District of Washington from disclosing the Protected Material to the
8 Court, defense counsel, members of the United States Attorney's Office, and federal
9 law enforcement agencies, and as necessary to comply with the government's
10 discovery obligations.
11

12 **3. Additional Discovery**

13 The Government will be providing additional discovery which will include
14 Jencks material and/or Grand Jury Testimony, witness statements, summaries of
15 witness statements, and photographs. The parties agree that this specifically
16 referenced additional discovery, or other discovery that the Government deems
17 sensitive and specifically designates as such, is also covered and protected by this
18 Protective Order.

19 **4. Filing**

20 Any Protected Material that is filed with the court in connection with pre-trial
21 motions, trial, or other matter before this Court, shall be filed under seal and shall
22 remain sealed until otherwise ordered by this Court.
23

1 **5. Nontermination**

2 The provisions of this Order shall not terminate at the conclusion of this
3 prosecution.

4 **6. Violation of Any Terms of this Order**

5 Any person who willfully violates this order may be held in contempt of
6 court and may be subject to monetary or other sanctions as deemed appropriate by
7 this Court. The Clerk of the Court is directed to provide a filed copy of this
8 Protective Order to all counsel of record.
9

10 DATED this 9th day of December, 2010.

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14 ROBERT J. BRYAN
15 United States District Judge